

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

ANDRES SOTO TORRES,

Defendant.

No. CR-08-6083-EFS

**ORDER GRANTING DEFENDANT'S MOTION
TO WITHDRAW GUILTY PLEA**

Before the Court is Defendant Andres Soto Torres' Motion to Withdraw Guilty Plea. (Ct. Rec. [58](#).) The parties agree that Defendant has shown a fair and just reason for withdrawal of the guilty plea under Federal Rule of Criminal Procedure 11(d)(2)(B) given the Supreme Court's recent decision in *Arizona v. Gant*, 129 S. Ct. 1710 (2009). In light of *Gant* and the facts surrounding Defendant's arrest, the Court agrees that withdrawal of the guilty plea is appropriate.

For these reasons, **IT IS HEREBY ORDERED:**

1. Defendant's Motion to Withdraw Guilty Plea (Ct. Rec. [58](#)) is **GRANTED**.

2. Pursuant to 18 U.S.C. § 3161(i), Defendant is deemed indicted with respect to all charges contained in the Superseding Indictment (Ct. Rec. [30](#)) on the date this Order becomes final.

3. The July 14, 2009 sentencing is **STRICKEN**.

4. A Notice Setting Pretrial Conference and Trial will be entered.

IT IS SO ORDERED. The District Court Executive is hereby directed to enter this Order and furnish copies to counsel, the U.S. Probation Office, the U.S. Marshal's Office, and the Jury Administrator.

DATED this 26th day of June 2009.

s/ Edward F. Shea
EDWARD F. SHEA
United States District Judge

Q:\Criminal\2008\6083.w.draw.plea.gant.frm